

PCT

To:

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IT2004/000536

International filing date (day/month/year)
29.09.2004

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC
A01N1/02, B65G1/137, A61M1/36

Applicant
ANGELANTONI INDUSTRIE SPA

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and Industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 32

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 32
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☐ See separate sheet for further details

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2,3,6,10-13,15-31,33
	No: Claims	1,4,5,7-9,14
Inventive step (IS)	Yes: Claims	6,10,11,13,16,20-24,27-31
	No: Claims	2,3,12,14,15,17-19,25,26
Industrial applicability (IA)	Yes: Claims	1-31,33
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item III.

Claim 32 relates to subject-matter which has not been searched based on Rule 39.1(iv)
PCT - Programs for computers

Re Item V.

1 Reference is made to the following documents:

D1 : IT UD 960 073 A1 (ANGELANTONI INDUSTRIE SPA) 10 November 1997
(1997-11-10)

D2 : US 5 520 450 A (COLSON, JR. ET AL) 28 May 1996 (1996-05-28)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 is not novel in the sense of Article 33(2)PCT.

Document D1 discloses (cf. abstract and pages 5 to 9; the references in parentheses applying to this document) a method for receiving, preserving and releasing blood bags in a temperature and closure controlled apparatus (22) provided with at least one interface (13, 15) for interacting with an user, comprising the steps of providing blood bags (18) with coded identification means (28) which also comprise data concerning the blood contained in the same bag, before receiving in said apparatus (22) or drawing therefrom a bag (18), obtaining from said coded-identification means (28) the data concerning the blood contained in the bag and storing them in a memory (cf. page 7, lines 5 to 6).

2.2 Dependent claims 2 to 5, 7 to 9, 12 and 14

The features of the dependent claims 4, 5, 7 to 9 and 14 are also considered to be known from D1; moreover D2 discloses the feature of dependent claims 2, 3 (cf. col. 5, lines 17 to 27) and 12 such that these claims also do not meet the requirements of Art. 33(2) PCT.

2.3 Dependent claims 6, 10, 11, 13

The features of said claims are not obviously derivable from the available prior art documents D1 or D2 such that said claims are deemed to involve an inventive step as required by Art. 33(3) PCT.

3 INDEPENDENT CLAIM 15

3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 15 does not involve an inventive step in the sense of Article 33(3)PCT.

3.1.1 Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 15, discloses (the references in parentheses applying to this document):
An apparatus for receiving, preserving and releasing blood bags in a temperature and closure controlled apparatus (11) provided with at least an interface (14, 15, 16) for interacting with an user, comprising a cabinet (22) for containing all the components of the apparatus, a refrigerated space (20) for containing the bags, a magazine comprising a plurality of cells (21), each capable of containing a single bag, the magazine being housed inside the refrigerated space, each of the cells (21) being identified by a cell code (cf. Fig. 3), at least one door (26) for allowing access by an operator to the cells (21), a movement system (20, 22) housed inside the cabinet and capable of moving the cells, a cooling system (23) capable of cooling the refrigerated space, a data-processing system (12) capable of controlling the movement system and the cooling system, and capable of controlling the receiving, the preservation and the releasing of the bags, and capable to exchange data from and to an external data management system with which the apparatus can interact, a keyboard (15) and a screen (14) both connected to the processing system.

3.1.2 The subject-matter of independent claim 1 differs from the disclosure of D1 in that :
said cooling system is housed **inside** the cabinet, said keyboard and said screen are placed **at a wall of the cabinet**.

- 3.1.3 The problem to be solved by the present invention may therefore be regarded as avoiding a space consuming arrangement of the distinct parts of the system which needs cables and connections between the cabinet and its functional periphery.
- 3.1.4 In view of D2 the solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
D2 proposes to integrate both the cooling system and the data-processing system (21, 23) within the cabinet, wherein the interface is placed at a wall of the cabinet (1). *With the prior art*
- 3.1.5 Therefore the features disclosed in D1 and D2 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 15 thus cannot be considered inventive (Article 33(3) PCT).
- 3.2 Dependent claims 17 to 19, 25, 26 and 33

The features of dependent claims 17 to 19, 25 and 26 are considered to be known from D1 (cf. cited passages of the search report) so that said claims also do not add any inventive step, contrary to Art. 33(3) PCT. Moreover, D1 discloses a program stored on a computer readable medium to perform a method as defined in claim 1 such that claim 33 lacks novelty, contrary to the requirements of Art. 33(2) PCT.
- 3.3 Dependent claims 20 to 24, and 27 to 31 are deemed to meet the requirements of Art. 33(2) to (4) PCT as none of the available documents suggests the respective features of said claims.

Re Item VII.

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor

is/are this/these document/s identified therein.

2. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).